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## The 2007 Florida Statutes

[Title XLVII](#)  
CRIMINAL PROCEDURE AND CORRECTIONS

[Chapter 921](#)  
SENTENCE

[View Entire Chapter](#)

### **921.143 Appearance of victim, next of kin, or law enforcement, correctional, or correctional probation officer to make statement at sentencing hearing; submission of written statement.--**

(1) At the sentencing hearing, and prior to the imposition of sentence upon any defendant who has been convicted of any felony or who has pleaded guilty or nolo contendere to any crime, including a criminal violation of a provision of chapter 316, the sentencing court shall permit the victim of the crime for which the defendant is being sentenced, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the next of kin of the victim if the victim has died from causes related to the crime, to:

(a) Appear before the sentencing court for the purpose of making a statement under oath for the record; and

(b) Submit a written statement under oath to the office of the state attorney, which statement shall be filed with the sentencing court.

(2) The state attorney or any assistant state attorney shall advise all victims or, when appropriate, the victim's parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.

(3)(a) This subsection shall be known by the popular name the "Officer Cheryl Seiden Act."

(b) The court may not accept a plea agreement that prohibits a law enforcement officer, correctional officer, or correctional probation officer from appearing or speaking at a parole hearing or clemency hearing.

(c) In any case in which the victim is a law enforcement officer, correctional officer, or correctional probation officer, a plea agreement may not prohibit the officer or an authorized representative of the officer's employing agency from appearing or providing a statement at the sentencing hearing.

(d) As used in this subsection, the terms "law enforcement officer," "correctional officer," "correctional probation officer," and "employing agency" have the meanings ascribed in s. [943.10](#).

(e) This subsection does not impair any right afforded under chapter 960 or under s. 16(b), Art. I of the State Constitution.

(4) The court may refuse to accept a negotiated plea and order the defendant to stand trial.

History.--ss. 9, 10, ch. 76-274; s. 3, ch. 84-363; s. 2, ch. 88-196; s. 1, ch. 97-120; s. 4, ch. 2001-209; s. 1, ch. 2004-14.

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### Victim Notification Request

*In compliance with 944.605 Florida Statutes*

Use this form to request that the Department of Corrections provide you with notification of inmate status changes. You may use this form to send changes in your address, telephone number(s), or other necessary information. Requests for updates can also be sent via regular mail by printing and completing the Victim Notification Request Form and sending it to: Florida Department of Corrections, Victim Assistance Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

For additional information on our services, see the Victim Assistance Office information.

**\*\* Please do not use this Victim Notification Request Form if you are a family member or friend of the inmate and you are not the victim. \*\***

Is this a new or updated request?

- New Request  
 Updates to Previous Request

#### Information about you:

1. Your Name:
2. Your Address:
3. City, State Zip:
4. Telephone: (Please include Area Code.)
 

Home:	<input type="text" value="( )"/>
Work:	<input type="text" value="( )"/>
Cell:	<input type="text" value="( )"/>

*Note: Giving us your telephone number(s) will automatically register you to receive automated notification calls from our VINE Service each time the inmate's movement changes (release, transfer, escape, death, out-to-court). Telephone numbers must be direct lines to you and cannot go through a switchboard, nor will it work if you have a service that announces your calls before connecting the call to you.*

5.

Do you want the VINE Service?  -Yes  -No

6. E-mail Address:

**Victim Information:**

1. Victim Name:

2. Your relationship to the Victim:

3. If Victim is a minor, Victim's date of birth:

3. Is the Victim deceased?

-Yes  -No

4. Your relationship to the inmate:

5. If you are the victim, survivor or representative for the victim, this is your opportunity to provide us with important information. If you are not the victim/survivor/representative, please explain why you wish to be notified. Please indicate whether you have been threatened, if you are in fear for your safety or the safety of your family.

**Inmate Information:**

Please provide all information, if known. Whatever information you can provide will help us to ensure we have you registered on the correct inmate. **Please complete a separate notification form for each inmate.**

1. Inmate Name:

2. DC Number:

3. Date of Birth:

4. Race:

5. Sex:

6. Social Security Number:

7. Crime:

8. County:

9. Sentence:

10. Case Number:

For assistance, please call our office toll-free at 1-877-884-2846, Monday through Friday, 8 a.m. to 5 p.m. Eastern Standard Time. You may also call directly to the VINE Service for inmate information toll-free at 1-877-846-3435, 24 hours a day, 7 days a week.

**Note:** If you register directly with the VINE Service your information is not shared with the Florida Department of Corrections - Victim Assistance Office. If you fill out this online Victim Notification Request Form with your new request or your updated information, it will be added to the Florida Department of Corrections - Victim Notification Database and provided to the VINE Service if requested. Victim information is "Confidential" per state law and inmates do not have access to victim information.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 07-80082-Cr-Hurley/Vitunac

UNITED STATES OF AMERICA

vs.

JOSE SANCHEZ and  
CAROLINA EYZAGUIRRE,

Defendants.

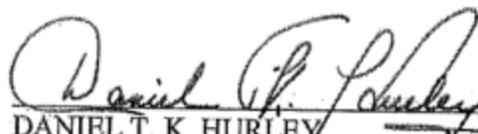
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ORDER

This matter is before the Court on the United States' *ore tenus* motion, made during the sentencing of the defendants, seeking an order to release the jewelry and gemstones seized as evidence in this matter to the rightful owners. Having considered the United States' motion, and for good cause shown, the Court grants the United States' motion and orders the Federal Bureau of Investigation to return the jewelry and gemstones to persons it has identified as the rightful owners of such property. The Court further orders the Federal Bureau of Investigation to photograph and otherwise document the returned items for purposes of appeal or collateral attack of the defendant's convictions.

IT IS SO ORDERED.

Dated: November <sup>th</sup> 16, 2007

  
DANIEL T. K. HURLEY  
UNITED STATES DISTRICT JUDGE

cc: [REDACTED], AUSA

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1014	
CONNECTION TEL		[REDACTED]
SUBADDRESS		
CONNECTION ID		
ST. TIME	11/19 13:05	
USAGE T	00'25	
PGS. SENT	2	
RESULT	OK	

United States Attorney's Office  
 Southern District of Florida  
 500 S. Australian Ave., Suite 400  
 West Palm Beach, FL 33401-6235



DATE: 11/19/07

TO: [REDACTED]

ORGANIZATION: FBI

FAX #: [REDACTED]

SUBJECT: SANCHEZ + EYZAGUIRRE

FROM: [REDACTED]

(Fax)

NUMBER OF PAGES, INCLUDING THIS PAGE: 2

COMMENTS: FYI - MR ALI BAYOFF WILL BE SO PLEASED

United States Attorney's Office  
Southern District of Florida  
500 S. Australian Ave., Suite 400  
West Palm Beach, FL 33401-6235



DATE:

11/19/07

TO:

[REDACTED]

ORGANIZATION:

FBI

FAX #:

833-7970

SUBJECT:

[REDACTED]

FROM:

[REDACTED]

(Fax)

NUMBER OF PAGES, INCLUDING THIS PAGE:

2

COMMENTS:

FYI - MR ALI BAYOFF WILL  
BE SO PLEASED

Original document:

To follow via regular mail

To follow via Federal Express

To follow via hand delivery

Nothing to follow, FAX = original

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-80185-CR-RYSKAMP/HOPKINS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN WALSH,

Defendant.

---

**ORDER DENYING MOTION FOR RELEASE**

**THIS CAUSE** came before the Court on defendant's Motion to withdraw plea; for re-sentencing ;for release pursuant to 28 U.S.C § 2241 and/or for discretionary judicial recommendation for compassionate release and for hearing, filed October 19, 2007, DE# 46. This Court having reviewed the pertinent portions of the record and being duly advised in the premises, it is hereby:

**ORDERED and ADJUDGED** that said Motion to withdraw plea; for re-sentencing ;for release pursuant to 28 U.S.C. § 2241 and/or for discretionary judicial recommendation for compassionate release and for hearing, DE # 46, is **Denied**.

**DONE and ORDERED** in West Palm Beach, this 16 day of November, 2007.

  
\_\_\_\_\_  
**KENNETH L. RYSKAMP**  
**UNITED STATES DISTRICT JUDGE**

cc:  AUSA  
Patricia Jean Kyle, Esq.

Select Year:  

## The 2007 Florida Statutes

Title XLVII  
CRIMINAL PROCEDURE AND CORRECTIONS

Chapter 921  
SENTENCE

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(a) Appear before the sentencing court for the purpose of making a statement under oath for the record; and

(b) Submit a written statement under oath to the office of the state attorney, which statement shall be filed with the sentencing court.

(2) The state attorney or any assistant state attorney shall advise all victims or, when appropriate, the victim's parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence.

(3)(a) This subsection shall be known by the popular name the "Officer Cheryl Seiden Act."

(b) The court may not accept a plea agreement that prohibits a law enforcement officer, correctional officer, or correctional probation officer from appearing or speaking at a parole hearing or clemency hearing.

(c) In any case in which the victim is a law enforcement officer, correctional officer, or correctional probation officer, a plea agreement may not prohibit the officer or an authorized representative of the officer's employing agency from appearing or providing a statement at the sentencing hearing.

(d) As used in this subsection, the terms "law enforcement officer," "correctional officer," "correctional probation officer," and "employing agency" have the meanings ascribed in s. [943.10](#).

(e) This subsection does not impair any right afforded under chapter 960 or under s. 16(b), Art. I of the State Constitution.

(4) The court may refuse to accept a negotiated plea and order the defendant to stand trial.

**History.**--ss. 9, 10, ch. 76-274; s. 3, ch. 84-363; s. 2, ch. 88-196; s. 1, ch. 97-120; s. 4, ch. 2001-209; s. 1, ch. 2004-14.

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## The 2007 Florida Statutes

[Title XLVII](#)      [Chapter 960](#)      [View Entire Chapter](#)  
CRIMINAL PROCEDURE AND CORRECTIONS      VICTIM ASSISTANCE

### 960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.--

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Parole Commission, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(a) *Information concerning services available to victims of adult and juvenile crime.*--As provided in s. 27.0065, state attorneys and public defenders shall gather information regarding the following services in the geographic boundaries of their respective circuits and shall provide such information to each law enforcement agency with jurisdiction within such geographic boundaries. Law enforcement personnel shall ensure, through distribution of a victim's rights information card or brochure at the crime scene, during the criminal investigation, and in any other appropriate manner, that victims are given, as a matter of course at the earliest possible time, information about:

1. The availability of crime victim compensation, when applicable;
2. Crisis intervention services, supportive or bereavement counseling, social service support referrals, and community-based victim treatment programs;
3. The role of the victim in the criminal or juvenile justice process, including what the victim may expect from the system as well as what the system expects from the victim;
4. The stages in the criminal or juvenile justice process which are of significance to the victim and the manner in which information about such stages can be obtained;
5. The right of a victim, who is not incarcerated, including the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim, to be informed, to be present, and to be heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that this right does not interfere with constitutional rights of the accused, as provided by s. 16(b), Art. I of the State

Constitution;

6. In the case of incarcerated victims, the right to be informed and to submit written statements at all crucial stages of the criminal proceedings, parole proceedings, or juvenile proceedings; and

7. The right of a victim to a prompt and timely disposition of the case in order to minimize the period during which the victim must endure the responsibilities and stress involved to the extent that this right does not interfere with the constitutional rights of the accused.

*(b) Information for purposes of notifying victim or appropriate next of kin of victim or other designated contact of victim.* --In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s. 25.385:

1. The arresting law enforcement officer or personnel of an organization that provides assistance to a victim or to the appropriate next of kin of the victim or other designated contact must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of kin of the victim or other designated contact may choose not to complete the victim notification card.

2. Unless the victim or the appropriate next of kin of the victim or other designated contact waives the option to complete the victim notification card, a copy of the victim notification card must be filed with the incident report or warrant in the sheriff's office of the jurisdiction in which the incident report or warrant originated. The notification card shall, at a minimum, consist of:

a. The name, address, and phone number of the victim; or

b. The name, address, and phone number of the appropriate next of kin of the victim; or

c. The name, address, and phone number of a designated contact other than the victim or appropriate next of kin of the victim; and

d. Any relevant identification or case numbers assigned to the case.

3. The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact within 4 hours following the release of the defendant on bail or, in the case of a juvenile offender, upon the release from residential detention or commitment. If the chief administrator, or designee, is unable to contact the alleged victim or appropriate next of kin of the alleged victim or other designated contact by telephone, the chief administrator, or designee, must send to the alleged victim or appropriate next of kin of the alleged victim or other designated contact a written notification of the defendant's release.

4. Unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, the information contained on the victim notification card must be sent by the chief administrator, or designee, of the appropriate facility to the subsequent correctional or residential commitment facility following the sentencing and incarceration of the defendant, and unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, he or she must be notified of the release of the defendant from incarceration as provided by law.

5. If the defendant was arrested pursuant to a warrant issued or taken into custody pursuant to s. 985.101 in a jurisdiction other than the jurisdiction in which the defendant is being released, and the alleged victim or appropriate next of kin of the alleged victim or other designated contact does not waive the option for notification of release, the chief correctional officer or chief administrator of the facility releasing the defendant shall make a reasonable attempt to immediately notify the chief correctional officer of the jurisdiction in which the warrant was issued or the juvenile was taken into custody pursuant to s. 985.101, and the chief correctional officer of that jurisdiction shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact, as provided in this paragraph, that the defendant has been or will be released.

(c) *Information concerning protection available to victim or witness.*--A victim or witness shall be furnished, as a matter of course, with information on steps that are available to law enforcement officers and state attorneys to protect victims and witnesses from intimidation. Victims of domestic violence shall also be given information about the address confidentiality program provided under s. 741.403.

(d) *Notification of scheduling changes.*--Each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency scheduling his or her appearance of any change in scheduling which will affect his or her appearance.

(e) *Advance notification to victim or relative of victim concerning judicial proceedings; right to be present.*--Any victim, parent, guardian, or lawful representative of a minor who is a victim, or relative of a homicide victim shall receive from the appropriate agency, at the address found in the police report or the victim notification card if such has been provided to the agency, prompt advance notification, unless the agency itself does not have advance notification, of judicial and postjudicial proceedings relating to his or her case, including all proceedings or hearings relating to:

1. The arrest of an accused;
2. The release of the accused pending judicial proceedings or any modification of release conditions; and
3. Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment, and, when a term of imprisonment, detention, or residential commitment is imposed, the release of the defendant or juvenile offender from such imprisonment,

detention, or residential commitment by expiration of sentence or parole and any meeting held to consider such release.

A victim, a victim's parent or guardian if the victim is a minor, a lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or a victim's next of kin may not be excluded from any portion of any hearing, trial, or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial. The appropriate agency with respect to notification under subparagraph 1. is the arresting law enforcement agency, and the appropriate agency with respect to notification under subparagraphs 2. and 3. is the Attorney General or state attorney, unless the notification relates to a hearing concerning parole, in which case the appropriate agency is the Parole Commission. The Department of Corrections, the Department of Juvenile Justice, or the sheriff is the appropriate agency with respect to release by expiration of sentence or any other release program provided by law. Any victim may waive notification at any time, and such waiver shall be noted in the agency's files.

*(f) Information concerning release from incarceration from a county jail, municipal jail, juvenile detention facility, or residential commitment facility.--*The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall, upon the request of the victim or the appropriate next of kin of a victim or other designated contact of the victim of any of the crimes specified in paragraph (b), make a reasonable attempt to notify the victim or appropriate next of kin of the victim or other designated contact prior to the defendant's or offender's release from incarceration, detention, or residential commitment if the victim notification card has been provided pursuant to paragraph (b). If prior notification is not successful, a reasonable attempt must be made to notify the victim or appropriate next of kin of the victim or other designated contact within 4 hours following the release of the defendant or offender from incarceration, detention, or residential commitment. If the defendant is released following sentencing, disposition, or furlough, the chief administrator or designee shall make a reasonable attempt to notify the victim or the appropriate next of kin of the victim or other designated contact within 4 hours following the release of the defendant. If the chief administrator or designee is unable to contact the victim or appropriate next of kin of the victim or other designated contact by telephone, the chief administrator or designee must send to the victim or appropriate next of kin of the victim or other designated contact a written notification of the defendant's or offender's release.

*(g) Consultation with victim or guardian or family of victim.--*

1. In addition to being notified of the provisions of s. 921.143, the victim of a felony involving physical or emotional injury or trauma or, in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the state attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought as a result of such crime, including the views of the victim or family about:

- a. The release of the accused pending judicial proceedings;
- b. Plea agreements;

c. Participation in pretrial diversion programs; and

d. Sentencing of the accused.

2. Upon request, the state attorney shall permit the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide to review a copy of the presentence investigation report prior to the sentencing hearing if one was completed. Any confidential information that pertains to medical history, mental health, or substance abuse and any information that pertains to any other victim shall be redacted from the copy of the report. Any person who reviews the report pursuant to this paragraph must maintain the confidentiality of the report and shall not disclose its contents to any person except statements made to the state attorney or the court.

3. When an inmate has been approved for community work release, the Department of Corrections shall, upon request and as provided in s. 944.605, notify the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, or the victim's next of kin if the victim is a homicide victim.

(h) *Return of property to victim.*--Law enforcement agencies and the state attorney shall promptly return a victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it. The trial or juvenile court exercising jurisdiction over the criminal or juvenile proceeding may enter appropriate orders to implement the provisions of this subsection, including allowing photographs of the victim's property to be used as evidence at the criminal trial or the juvenile proceeding in place of the victim's property when no substantial evidentiary issue related thereto is in dispute.

(i) *Notification to employer and explanation to creditors of victim or witness.*--A victim or witness who so requests shall be assisted by law enforcement agencies and the state attorney in informing his or her employer that the need for victim and witness cooperation in the prosecution of the case may necessitate the absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of his or her cooperation with law enforcement agencies or a state attorney, is subjected to serious financial strain shall be assisted by such agencies and state attorney in explaining to the creditors of such victim or witness the reason for such serious financial strain.

(j) *Notification of right to request restitution.*--Law enforcement agencies and the state attorney shall inform the victim of the victim's right to request and receive restitution pursuant to s. 775.089 or s. 985.437, and of the victim's rights of enforcement under ss. 775.089(6) and 985.0301 in the event an offender does not comply with a restitution order. The state attorney shall seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting and receiving restitution. In addition, the state attorney shall inform the victim if and when restitution is ordered. If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment.

(k) *Notification of right to submit impact statement.*--The state attorney shall inform the victim of the victim's right to submit an oral or written impact statement pursuant to s. 921.143 and shall assist in the preparation of such statement if necessary.

(l) *Local witness coordination services.*--The requirements for notification provided for in paragraphs (c), (d), and (i) may be performed by the state attorney or public defender for their own witnesses.

(m) *Victim assistance education and training.*--Victim assistance education and training shall be offered to persons taking courses at law enforcement training facilities and to state attorneys and assistant state attorneys so that victims may be promptly, properly, and completely assisted.

(n) *General victim assistance.*--Victims and witnesses shall be provided with such other assistance, such as transportation, parking, separate pretrial waiting areas, and translator services in attending court, as is practicable.

(o) *Victim's rights information card or brochure.*--A victim of a crime shall be provided with a victim's rights information card or brochure containing essential information concerning the rights of a victim and services available to a victim as required by state law.

(p) *Information concerning escape from a state correctional institution, county jail, juvenile detention facility, or residential commitment facility.*--In any case where an offender escapes from a state correctional institution, private correctional facility, county jail, juvenile detention facility, or residential commitment facility, the institution of confinement shall immediately notify the state attorney of the jurisdiction where the criminal charge or petition for delinquency arose and the judge who imposed the sentence of incarceration. The state attorney shall thereupon make every effort to notify the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relatives of a homicide victim of the escapee. The state attorney shall also notify the sheriff of the county where the criminal charge or petition for delinquency arose. The sheriff shall offer assistance upon request. When an escaped offender is subsequently captured or is captured and returned to the institution of confinement, the institution of confinement shall again immediately notify the appropriate state attorney and sentencing judge pursuant to this section.

(q) *Presence of victim advocate during discovery deposition; testimony of victim of a sexual offense.*--At the request of the victim or the victim's parent, guardian, or lawful representative, the victim advocate designated by state attorney's office, sheriff's office, or municipal police department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups shall be permitted to attend and be present during any deposition of the victim. The victim of a sexual offense shall be informed of the right to have the courtroom cleared of certain persons as provided in s. 918.16 when the victim is testifying concerning that offense.

(r) *Implementing crime prevention in order to protect the safety of persons and property, as prescribed in the State Comprehensive Plan.*--By preventing crimes that create victims or further harm former victims, crime prevention efforts are an essential part of providing effective service for victims

and witnesses. Therefore, the agencies identified in this subsection may participate in and expend funds for crime prevention, public awareness, public participation, and educational activities directly relating to, and in furtherance of, existing public safety statutes. Furthermore, funds may not be expended for the purpose of influencing public opinion on public policy issues that have not been resolved by the Legislature or the electorate.

(s) *Attendance of victim at same school as defendant.*--When the victim of an offense committed by a juvenile is a minor, the Department of Juvenile Justice shall request information to determine if the victim, or any sibling of the victim, attends or is eligible to attend the same school as the offender. However, if the offender is subject to a presentence investigation by the Department of Corrections, the Department of Corrections shall make such request. If the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the appropriate agency shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.

(t) *Use of a polygraph examination or other truth-telling device with victim.*--No law enforcement officer, prosecuting attorney, or other government official shall ask or require an adult, youth, or child victim of an alleged sexual battery as defined in chapter 794 or other sexual offense to submit to a polygraph examination or other truth-telling device as a condition of proceeding with the investigation of such an offense. The refusal of a victim to submit to such an examination shall not prevent the investigation, charging, or prosecution of the offense.

(u) *Presence of victim advocates during forensic medical examination.*--At the request of the victim or the victim's parent, guardian, or lawful representative, a victim advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.

(2) The secretary of the Department of Juvenile Justice, and sheriff, chief administrator, or any of their respective designees, who acts in good faith in making a reasonable attempt to comply with the provisions of this section with respect to timely victim notification, shall be immune from civil or criminal liability for an inability to timely notify the victim or appropriate next of kin of the victim or other designated contact of such information. A good faith effort shall be evidenced by a log entry noting that an attempt was made to notify the victim within the time period specified by this section.

(3)(a) A copy of the guidelines and an implementation plan adopted by each agency shall be filed with the Governor, and subsequent changes or amendments thereto shall be likewise filed when adopted.

(b) A copy of a budget request prepared pursuant to chapter 216 shall also be filed for the sole purpose of carrying out the activities and services outlined in the guidelines.

(c) The Governor shall advise state agencies of any statutory changes which require an amendment to their guidelines.

(d) The Executive Office of the Governor shall review the guidelines submitted pursuant to this section:

1. To determine whether all affected agencies have developed guidelines which address all appropriate aspects of this section;
2. To encourage consistency in the guidelines and plans in their implementation in each judicial circuit and throughout the state; and
3. To determine when an agency needs to amend or modify its existing guidelines.

(e) The Executive Office of the Governor shall issue an annual report detailing each agency's compliance or noncompliance with its duties as provided under this section. In addition, the Governor may apply to the circuit court of the county where the headquarters of such agency is located for injunctive relief against any agency which has failed to comply with any of the requirements of this section, which has failed to file the guidelines, or which has filed guidelines in violation of this section, to compel compliance with this section.

(4) The state attorney and one or more of the law enforcement agencies within each judicial circuit may develop and file joint agency guidelines, as required by this section, which allocate the statutory duties among the participating agencies. Responsibility for successful execution of the entire guidelines lies with all parties.

(5) Nothing in this section or in the guidelines adopted pursuant to this section shall be construed as creating a cause of action against the state or any of its agencies or political subdivisions.

(6) Victims and witnesses who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.

(7) The victim of a crime, the victim's parent or guardian if the victim is a minor, and the state attorney, with the consent of the victim or the victim's parent or guardian if the victim is a minor, have standing to assert the rights of a crime victim which are provided by law or s. 16(b), Art. I of the State Constitution.

(8) For the purposes of this section, a law enforcement agency or the office of the state attorney may release any information deemed relevant to adequately inform the victim if the offense was committed by a juvenile. Information gained by the victim pursuant to this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.

(9) As used in this section, the term "chief administrator" includes the appropriate chief correctional officers of a county jail or municipal jail, and the appropriate chief administrator of a juvenile detention facility or residential commitment facility.

**History.**--s. 11, ch. 84-363; s. 79, ch. 85-62; s. 13, ch. 88-96; s. 64, ch. 88-122; s. 1, ch. 88-381; s. 8, ch. 90-211; s. 2, ch. 92-66; s. 15, ch. 92-287; s. 12, ch. 93-37; s. 1, ch. 93-230; s. 20, ch. 94-342; s. 2, ch. 95-160; s. 1, ch. 95-254; s. 1, ch. 96-315; s. 1883, ch. 97-102; s. 1, ch. 98-109; s. 63, ch. 98-280; s.

2, ch. 99-263; s. 7, ch. 99-284; s. 1, ch. 99-373; s. 10, ch. 2001-125; s. 3, ch. 2001-209; s. 2, ch. 2002-56; s. 5, ch. 2003-23; s. 137, ch. 2003-402; s. 89, ch. 2004-265; s. 122, ch. 2006-120; s. 1, ch. 2007-129.

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# State Guidelines

## Primary Offense

~~2<sup>d</sup> felony 77~~  
~~3<sup>d</sup> felony 10~~

## Sex Offense

2<sup>o</sup> felony 158  
3<sup>o</sup> felony 25

> → 183 → comm control or 12-30 mos incarceration

Victim injury penetration 40 × 3 = 120  
contact 20 × 10 = 200

503 → recommended range 22-27 yrs

## All other felonies

2<sup>o</sup> felony 108  
3<sup>o</sup> felony 10

> 118 → comm. control or 12-30 mos incarceration

victim injury 16 × 3 = 48  
8 × 10 = 80

246 → 9-12 yrs